IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.76 OF 2006

Ananda Dnyanu Kachare & Ors. ...Applicants

Versus

Sarubai Vithoba Kachare & Anr. ...Respondents

.....

Mr.Uday Warunjikar with Mr.Balasaheb Deshmukh for Applicants.

Mr.Sachin J.Kadam for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

JUNE 22, 2006.

P.C.

1. Heard Counsel for the parties.

2. I see no reason to depart from the opinion expressed by the Court below. The Court below in Para 3 has noted the main defects in the Plaint as filed. In Para 9 of the impugned Judgement, the Court has rightly observed that those defects can be cured by way of amendment. If that is possible, the question of permitting the Plaintiff to

withdraw the Suit and file fresh suit for such defects, does not arise. That will only prolong the proceedings. Present Suit is filed as back as in 1977.

3. In the circumstances, not a case for interference in exercise of revisional jurisdiction. Dismissed.

A.M.KHANWILKAR, J.